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Counsel for Defendant
Walmart Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EDIE GOLIKOV, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

WALMART INC.,

Defendant.

Case No. 2:24-cv-08211-RGK-MAR

**WALMART INC.'S OBJECTIONS
TO DECLARATION OF RICHARD
LYON (ECF 36-3)**

Date: February 10, 2025

Time: 9:00 am

Location: Courtroom 850

*[Opposition; Declaration of Jacob M.
Harper; Declaration of Walmart's
Avocado Oil Supplier; Objection to
Declaration of Thomas Maronick; and
Proposed Order filed concurrently]*

Assigned to the Hon. R. Gary Klausner
Dept.: Courtroom 850

Compl. filed: September 24, 2024

Richard Lyon, counsel of record for plaintiff Edie Golikov, includes a declaration purporting to authenticate, support, and explain factual matters relating to a two-page report purporting to show adulteration of a sample of avocado oil. Walmart objects to Mr. Lyon’s inadmissible testimony, including because (a) Mr. Lyon does not testify that he is a scientist or otherwise qualified to issue expert opinions, yet offers hearsay testimony about testing results (*e.g.*, *Angulo v. Providence Health & Servs. – Wash.*, 2024 WL 3744258, at *9 (W.D. Wash. Aug. 9, 2024) (declining to consider counsel’s testimony, who “is not a medical professional and thus cannot provide expert testimony”)); (b) his third-party testing results themselves are unauthenticated, unreliable, and provide no information about interpreting them (*e.g.*, *Watts v. Allstate Indem. Co.*, 2013 WL 210059, at *12 (E.D. Cal. Jan. 17, 2013) (excluding expert testimony “presentation of her methodology”)); and (c) he is not an economist or otherwise qualified to opine on relevant values of cooking oils. (*Angulo*, 2024 WL 3744258, at *9). Walmart respectfully requests that the Court sustain its Objections to Mr. Lyon’s Declaration, and his purported evidence in support.

I. WALMART OBJECTS TO MR. LYON’S DECLARATION

Purported Evidence at Issue	Grounds for Objection	Ruling
Lyon Decl. ¶ 2 (price comparison between Avocado Oil and Vegetable Oil on 12/18/24)	Relevance (FRE 401, 402, 403); Foundation (FRE 602); Vague (FRE 403); lacks personal knowledge to authenticate (FRE 901); Mr. Lyon does not testify he is an economist or otherwise qualified to opine on the relevant value of cooking oil products, and he does not provide any evidence that Avocado Oil is an appropriate comparison for Vegetable Oil.	____ Sustained ____ Overruled
Lyon Decl. ¶ 15 (summary of	Relevance (FRE 401, 402, 403); Foundation (FRE 602); Hearsay	____ Sustained ____ Overruled

laboratory testing results)	(FRE 802); Vague (FRE 403); lacks personal knowledge to authenticate (FRE 901); improper opinion testimony (FRE 701). Mr. Lyon, who does not testify that he is a scientist or otherwise qualified to issue such expert opinions, offers hearsay testimony about third-party testing results.	
Lyon Decl., Exs. 2 & 3 (screenshots of “Great Value Avocado Oil – 25.5 fl. oz.” and “Great Value Vegetable Oil – 48 fl. oz,” respectively)	Relevance (FRE 401, 402, 403); Foundation (FRE 602); Vague (FRE 403); lacks personal knowledge to authenticate (FRE 901). Mr. Lyon does not testify he is an economist or otherwise qualified to opine on the relevant value of cooking oil products, and he does not provide any evidence that Avocado Oil is an appropriate comparison for Vegetable Oil.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
Lyon Decl., Ex. 11 (laboratory testing)	Relevance (FRE 401, 402, 403); Foundation (FRE 602); Hearsay (FRE 802); Vague (FRE 403); lacks personal knowledge to authenticate (FRE 901); improper opinion testimony (FRE 701). Mr. Lyon’s third-party testing results are not authenticated, unreliable, and provide no information about how to interpret them, including, <i>e.g.</i> , methodology applied, relevant control variables, testing conditions.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

Walmart respectfully requests the Court sustain its objections to Mr. Lyon’s Declaration, in whole, including the evidence identified above. If the Court is inclined to consider the portions of the Lyon Declaration as to which Walmart

1 objects, Walmart respectfully requests an opportunity to depose Mr. Lyon, and to
2 file a sur-reply to Plaintiff's motion for class certification.

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4 Dated: January 17, 2025

DAVIS WRIGHT TREMAINE LLP

5 By: /s/ Jacob M. Harper
6 Jacob M. Harper

7 *Attorneys for Defendant*
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